

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
APRIL 7-8, 2004**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on April 7-8, 2004, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, April 7, 2004

CALL TO ORDER

Chair Helen Mountjoy called the Board meeting to order at 8:45 a.m.

ROLL CALL

Present for the meeting were Janice Allen, Alcie Combs, Dorie Combs, Gail Henson, Tom Layzell, Helen Mountjoy, Hilma Prather, Sam Robinson, David Tachau, Keith Travis and Paul Whalen. Jeff Mando joined the meeting in progress.

APPROVAL OF MINUTES

Janice Allen asked that the February minutes reflect her concern about the Reading First grants. Then, Paul Whalen moved approval of the February 10-12, 2004, regular meeting minutes to include Ms. Allen's amendment, and approval of the February 11, 2004, joint meeting with the Council on Postsecondary Education minutes. Sam Robinson seconded the motion and it carried.

ANNOUNCEMENTS

Chair Mountjoy announced the following amendments to the April agenda:

- Add item XII.A.4 titled *Shaping Kentucky's Assessment and Accountability Program, School Year 2006-2007 and Beyond* to the Assessment Committee's agenda
- Delete Item XV.D.4 titled *Update on Persistently Dangerous Schools* from the Management Committee's agenda

- Retitle item XVIII.B to read *Floyd County Request for Continuation of State Assistance*

REPORT OF THE SECRETARY OF THE EDUCATION CABINET

Secretary Fox shared the following in her report:

- She is very data and results driven.
- Her interest is in achieving alignment and accountability and not in managing the Board's work.
- A March 24 commentary in *Education Week* focuses on equity, efficiency and excellence, which are her themes.
- She is still concerned about achievement gaps and the amount of remediation needed by many students when they reach postsecondary education.
- The work of the Pre-K to 16 Council has been excellent under Gail Henson's leadership.
- She will continue to advocate for the American Diploma Project and State Scholars Program from her bully pulpit.
- While everyone is tightening their belts, a look must be taken at how well we are spending the dollars we have.
- Alignment issues exist such as inconsistent coding and a lack of consistency in district web pages.
- She pledged that she will put education first, but above that children's achievement and improving results.

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

President Tom Layzell reported the following:

- After the last Pre-K to 16 Council meeting, some of the members had a follow-up meeting with the Kentucky Early Math Program staff to talk about how to implement the math portion of the American Diploma Project. Participants in the meeting included Dr. Layzell, Gene Wilhoit, Ginni Fox, Linda France and other partners.
- The Council on Postsecondary Education (CPE) is working with chief academic officers to produce consistent placement policies.

- Four awards for teacher quality were made at the last CPE meeting with over \$1 million going to four institutions for partnering with school districts. Those awards went to the University of Kentucky (two grants), along with one to Murray State University and one to Western Kentucky University.
- Hope was expressed that the Board's agenda item on refocusing secondary education would include as one of its objectives to increase the college-going rate.

REPORT FROM THE PRE-K TO 16 COUNCIL

Chair Gail Henson reported the following:

- The last two meetings have been lively and fruitful.
- At the last meeting, an update on the American Diploma Project was discussed focusing on alignment issues between high school and postsecondary levels. Also discussed was the common core curriculum that is being looked at by postsecondary publics so that courses from institution to institution would have consistent content. Teacher impact issues were part of the last agenda including teacher education and preparation of college teachers who don't get the same level of background and professional development as teacher education candidates. Workforce development/labor readiness issues were also explored.
- The membership of the Pre-K to 16 Council may be expanded to include people from the business community.
- A presentation on mathematics instruction was heard at the last meeting. At the next meeting, a presentation will occur on literacy instruction and the discussion needs to continue on writing.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Wilhoit reported the following:

- Relative to the American Diploma Project, the conversations between elementary, secondary and higher education have led to the discovery of tremendous resources from the University of Kentucky. Stronger partnerships are being pursued.
- Time has been taken by the Department to pause and evaluate the minority student achievement work in the seven districts where 73% of the minority population in Kentucky are educated. These districts have focused work on closing the achievement gap between white and African American students with the hope that the work will be able to apply to other populations. Two meetings have been held with these seven districts and the Department is working with

them to draw conclusions. The districts are reporting great strides in closing the achievement gap with the biggest progress being made in K, 1, 2, and 3. A difference can be made if the focus is on low-performing students. The data indicate that the early years are the best place to invest dollars to impact the gap. Some of the changes made by the districts included addressing the middle school curriculum to provide equal access to all students, demonstration by teachers of practices that result in change and reaching out to the community to get them involved in the schools. The districts expressed that there are implications for teacher training on what the job of “teacher” entails. The districts also noted that policy changes such as SB168 should continue, efforts should be data-driven and results should be examined on a regular basis. They advised that the individual graduation plan needs to be more consistent, ways to monitor incremental student growth must be supported from the state level and when one moves from the central office down to the building level, much more dramatic improvement is evident and should be supported by the Department of Education.

- A recently released report by the National Institute for Early Education Research looked at the status of early childhood education across the country. Kentucky ranks seventh in the nation. Some principles that were evident in the study were as follows: a) a preliminary design for preschool is becoming evident with a 10-1 ratio being implemented in over 30 states, b) there is now a standard for family support services being wrapped around these children and c) the next two arenas for work in early childhood education are performance standards for preschool and increased credentialing of preschool teachers, areas that Kentucky is in the midst of implementing. With the addition of these two pieces, Kentucky should look better on the next report. Oklahoma and Georgia got the most attention because they have implemented universal services in preschool for all 4-year-olds. When looking at the number of children served by population, Kentucky ranks third. The one problem area is with the resource base where Kentucky has \$27 behind each child versus the nation at \$35.

GOOD NEWS FROM SCHOOLS AND DISTRICTS

Chair Helen Mountjoy shared the following elements of good news and offered congratulations to those persons involved:

- Sponsored by the Kentucky Society of Professional Engineers and its foundation, MATHCOUNTS is a national competition to improve the math and science skills of middle school students with the end goal of developing a technically literate population. In a recent Kentucky competition, Lexington Traditional Magnet placed first and four students were named to the state team that will go to the national contest in May. They are Connie Wu and Mimi Yang, both of Lexington Traditional Magnet, Matt Holbrook (Owensboro Middle School) and Max Uhlenhurth (Kentucky Country Day School). Each has been awarded a full scholarship to the University of Louisville or University of Kentucky. Congratulations to all of the MATHCOUNTS winners!

- Since 1997, Rockcastle Middle School and F.T. Burns Middle School in Daviess County have been a part of the Southern Regional Education Board program called “Making Middle Grades Work”. Rockcastle Middle is featured in the new Southern Regional Education Board publication titled “Making Middle Grades Work – School and Classroom Practices that Improve Student Achievement”. We salute these schools that are giving the extra mile in improving practice to enhance student learning.
- In the late 1990s, the National Forum to Accelerate Middle Schools Reform began to look closely at elements that drive excellence in middle school education. In 1999 the Forum recognized four national Schools To Watch. One was Barren County Middle School. Since then, partners in Kentucky have been working with their counterparts in Colorado, Illinois and Virginia to continue promoting what has been learned about high-performing schools. Congratulations to Adairville Elementary and Auburn Elementary (both in Logan County) and to Mahaffey Middle School in the Ft. Campbell Dependent School District. They have been named 2004 Schools To Watch in Kentucky and were chosen for meeting criteria of academic excellence, developmental responsiveness, social equitability and effective organizational structures and processes.
- School/business partnerships are blooming in Jefferson County. Junior Achievement of Kentucky has broken ground on a \$5.5 million urban laboratory center designed to show fifth through eighth graders how cities operate and how to make wise career choices. A building in the Russell neighborhood is being renovated under a lease arrangement with the Jefferson County School District. This is a win-win situation for Junior Achievement, Jefferson County Public Schools and the students. A tip of the hat to all involved!
- A good example of incorporating physical activity into the school day can be found at the Ashland Child Development Center. A CD player is cranked up each morning as background for warm-ups and laps done walking forward, backward and sidestepping. This was begun as a part of National Heart Month and the program has caused the group to log more than 250 miles. Kudos to head teacher Margaret Kitchen and her staff who are promoting exercise and showing that it can be fun.

BOARD MEMBER CONCERNS

The following concerns were brought forward for the Board’s consideration:

- Superintendents are required to make decisions before the legislative budget is passed and the Board needs to be a leader for advocating the examination of ways to seek relief for school districts. Commissioner Wilhoit indicated that staff will examine this issue and look for possible solutions.

- A desire was expressed to have an update on the minority superintendent's program before the Board leaves the April meeting.
- Staff were asked to look into concerns that have been expressed about changes to the KVLN program and get back to Keith Travis about those changes.

ESTABLISHMENT OF THE DR. SAMUEL ROBINSON AWARD

Chair Helen Mountjoy reminded Board members that a discussion was held at a previous meeting about this year being the 50th anniversary of the Brown v. Board of Education decision. She then proceeded to read the following statement:

“In 1954, the U.S. Supreme Court, through its ruling in Brown v. Board of Education, began the official process of ensuring that each child has an equitable opportunity to learn. Transforming the spirit of this decision into reality continues to require the courage and commitment of citizens across Kentucky and throughout America.

In celebration of the 50th anniversary of the Brown v. Board of Education decision and in recognition of the many efforts ongoing within the commonwealth that its promise is not denied to any child, the Kentucky Board of Education hereby establishes the Dr. Samuel Robinson Award. This honor shall be conferred annually on an individual or group in Kentucky for outstanding commitment, service and leadership in promoting opportunities to learn at high levels for Kentucky students.

These traits - commitment, service and leadership – are the hallmarks of Dr. Robinson's remarkable career as an advocate for all children. Upon his retirement from this Board, it is the intention of his colleagues to honor him, to call attention to others in our state who share his passion for equity and opportunity in education and to pledge our continuing support for their efforts.”

At this point, Keith Travis moved to accept the statement read by Chair Mountjoy establishing the award and Gail Henson seconded the motion. The motion carried.

Chair Mountjoy went on to say that she was appointing Joe Kelly, Deborah Morrow and Jane Adams Venters as a committee to select the first recipient of the Dr. Samuel Robinson Award. She indicated that the award would be presented at the June meeting.

REPORT ON 2004 ELEMENTARY AND SECONDARY EDUCATION LEGISLATION AND BIENNIAL BUDGET

Deputy Commissioner Kevin Noland indicated that the General Assembly has not yet enacted a budget but will be back on Monday and Tuesday for consideration of any final actions. He noted that staff will be sending the Board an updated summary on budget and legislation next week. Additionally, he highlighted the following enacted bills:

- SB28 – This bill gives teachers credit for longer instructional days, which is a practice that has been used in the last two budget bills due to the occurrence of lots of snow days. School districts have discretion in setting their calendars as long as they fulfill 175 6-hour instructional days. However, at the same time teachers must fulfill 185 contract days. SB28 codifies teachers getting credit for longer instructional days on their contract as well as giving credit for classified employees.
- SB111 – This bill was endorsed by the Kentucky Board of Education. If a school is a low-performing school for two biennia and a scholastic audit team goes into the school and finds that the school council is not working effectively and might be part of the problem, a procedure is provided for shifting council authority to the highly skilled educator or the superintendent, whichever is most effective in a particular situation.
- SB115 – This bill sets a statute of limitations of three years on due process appeals related to students with disabilities and also cites exceptions.
- SB124 – This bill deletes the responsibility of the Kentucky Board of Education to approve school bus specifications.
- HB176 – This bill confirmed the decision of the Kentucky Board of Education relative to full academic year.
- HB178 – This bill makes changes in the way dropouts are counted at the school level.
- Appointments to the Kentucky Board of Education – The four appointments to the Kentucky Board of Education have made it all the way through the process except for the Senate floor. Monday and Tuesday still give that body time to act on these appointments.

Chair Helen Mountjoy indicated that by June, Department staff will be able to show the Board the scope of work necessary on any regulations and provide any budget information that was passed.

HEARING OFFICER'S REPORT

Chair Helen Mountjoy indicated that due to recent flexibility granted by the United States Department of Education (USDOE) on limited English proficient students (LEP), amendments to 703 KAR 5:070, Inclusion of special populations, were filed in order for these to be in place for this school year. She went on to note that those statutorial bodies that had advised the Board were consulted on these changes as well as Board members themselves. Mountjoy stated that the consensus was that these are good changes to make and said the Board needs to officially ratify them.

Deputy Commissioner Kevin Noland explained that staff did proceed with the filing of these amendments because they were consistent with the Board's prior discussion. He said that when an LEP student shows up the day before the CATS test, that student now will take the mathematics test if appropriate for that grade level and/or the English language proficiency test. Noland went on to say that the results of these assessments will be used in the participation rate calculation and that these students will not be counted in the accountability calculation if it is their first year in an English speaking school.

At this point, Gail Henson moved to ratify the amendments to 703 KAR 5:070 regarding LEP students and Alcie Combs seconded the motion. The motion carried.

COMMITTEE MEETINGS

The Assessment and Accountability Committee and the KSB/KSD Committee met from 10:00 a.m. until 12:00 noon.

DROPOUT DEFINITION/GUIDELINES

Chair Helen Mountjoy shared the following as background for this agenda item:

- The definition for dropout is not contained in statute or regulation; the Board adopted a mechanism for calculating dropout rate.
- In looking at methods for calculating graduation rate for the *No Child Left Behind Act* (NCLB), the United States Department of Education suggested that states use the National Council of Education Statistics (NCES) guidelines (30 states are using these).
- House Bill 178 was passed during this legislative session pertaining to the computation of dropout rate and the Board must align with this legislation.
- Kentucky Department of Education staff recommends that the Board adopt the full implementation of the NCES statistics, definitions and guidelines for dropout along with creating a state-approved secondary GED program. This program would not be in effect for this year's administration of CATS.
- Some discrepancies exist between the NCES guidelines for dropout and provisions called for in NCLB in the calculation of graduation rate.
- The whole goal of this discussion is to produce consistency throughout the Kentucky Department of Education and school districts for the definition and calculation of dropouts.

Associate Commissioner Kyna Koch then summarized the main issues to be considered relative to this agenda item as follows:

- The chart on page 78 of the April Agenda Book illustrates the discrepancies between Kentucky's definition/guideline pertaining to dropout and those of NCES. The main issue deals with the GED.
- The Department's recommendation supports HB 178.
- It is important to remember that students who currently receive a GED are doing so through an adult GED program and can only do so by waiting until their class graduates or a waiver is signed by the local superintendent.
- The commissioner and administrator of Kentucky's GED program can jointly apply for a secondary GED program and then set state student admissions standards. The secondary GED option seems to be a notch above where we stand now because currently no control exists over which students go through an adult GED program. The secondary GED program would give the Board an opportunity to require sitting for the CATS test and any other standards that are important to ensure that the GED is not being used as a dumping ground to get rid of problem students.
- At today's meeting, the Management Committee will deal with the attendance regulation and in that regulation the content assumes acceptance of the recommendation on the dropout definition/secondary GED item. Codes were added to this regulation enabling the Department of Education to track students who pursue a secondary GED program. That information would help identify districts that may be overusing the secondary GED program.

Concerns were expressed by Board members including: a) the adult GED program is run by Workforce Development and this secondary GED program would be run by the Department of Education and b) this program could impact negatively schools' move toward proficiency unless standards produce a high quality program.

Commissioner Wilhoit emphasized that the state does not want young people on the streets with no positive options available. He noted that the secondary GED will not count as part of the numerator in the graduation rate computation because this only includes students who receive a regular four-year diploma. Therefore, he stated there is no incentive to put large numbers of students into this program.

Several members expressed support for the program because it recognizes diversity in learning style and learning rate and is a more kid-friendly environment for 16- and 17-year olds. Also, it was pointed out that if the program is housed in a high school, wrap around services can be available for these students, they will take the CATS test and their scores will count for accountability and participation purposes for NCLB.

Chair Mountjoy stated staff is recommending that the Board approve the full implementation of the NCES statistics, definitions and guidelines for dropout and create a state-approved secondary GED program. She shared that if the Board approves this item, staff will come back with the standards that must be met to enter the program.

Dorie Combs then moved approval of the staff recommendation and Gail Henson seconded the motion. The motion carried with Paul Whalen voting no.

COMMITTEE MEETINGS

The Management Committee and the Curriculum Committee met from 1:45 p.m. to 5:15 p.m.

Thursday, April 8, 2004

JOINT MEETING OF THE ASSESSMENT AND ACCOUNTABILITY AND CURRICULUM COMMITTEES

The Assessment and Accountability and Curriculum Committees met in a special joint session from 8:15 a.m. to 9:30 a.m.

STATE SCHOLARS PROGRAM

Ms. Carolyn Witt Jones from the Partnership for Kentucky Schools, along with Polly Marquette, appeared before the Board to present this item. Ms. Jones shared that her organization wanted to start the State Scholars Program and get it into the field this year. Ms. Marquette said that the goal was to get it into five districts and start the conversation with eighth and ninth graders. Ms. Jones then identified the following issues establishing the need for the program as follows:

- Today's employers have difficulty finding qualified candidates for many positions.
- Seven out of ten students graduate without completing the courses needed to succeed in college or the workplace. Almost one-half require remedial courses. The United States faces a shortage of 12 million college-educated workers in the next decade.
- Research demonstrates a positive relationship between challenging high school courses, college completion rates and job success.
- The American Diploma Project echoes the need for greater attention to courses versus academic grades.
- The State Scholars' initiative is dedicated to increasing the percent of high school students who complete a defined set of rigorous courses.

Ms. Jones moved on to share how the program works. She noted that local educators and employers work together to:

- Define and establish goals for a scholars high school graduation plan;

- Encourage, through classroom presentations, all high school students to complete the Scholars Core Course of Studies;
- Create community-wide incentives and support mechanisms to help students stay on track to graduate as Kentucky Scholars;
- Arrange a Kentucky Scholars recognition event; and,
- Advocate aligning financial aid, college admissions and other relevant state policies with the Scholars graduation plan.

Jones emphasized that national studies show students who have completed a more ambitious course of study scored an average of 2.6 points higher on the ACT and 102 points higher on the SAT test. She stated that the pilot districts in Kentucky are Kenton, Daviess, Fayette, Jessamine, Pike and Barren Counties. Jones explained that the ultimate goal is to make the program available to every district and student in the state.

Questions arose from Board members about other states that are replicating this program statewide and other states currently participating in the program. Ms. Jones indicated that Arkansas has been involved in the program the longest and has implemented it pretty much statewide. She stated that Texas has the second longest experience with implementation being statewide. Ms. Marquette added that there are twelve states currently participating in the State Scholars Program.

Commissioner Wilhoit explained that the reason this program has not received statewide implementation in some states is because the integration of policy decisions at the state level has not occurred. He emphasized that the Board needs to facilitate this policy integration and be a strong player in the State Scholars Program.

Ms. Jones summarized by saying that the Partnership realizes that it is stretching by implementing this program without everything being in place but noted the decision to fix problems as the program proceeds was consciously made. She noted that they're looking for alternative ways to solve any problems and ways to turn up the volume on the urgency of program implementation.

FLOYD COUNTY REQUEST FOR CONTINUATION OF STATE ASSISTANCE

Commissioner Wilhoit said he was pleased to say that the work in Floyd County over the last few years has been very productive. He welcomed Superintendent Paul Fanning and Board Vice-Chair Jeff Stumbo and recognized Department staff Glen Hendricks, Kyna Koch and Kevin Noland. The commissioner stated that he felt the continuation of state assistance another year will be beneficial to the district and emphasized that the decision to make this request came from the local board.

Superintendent Fanning indicated that he was at the meeting personally to request the extension of state assistance on behalf of the Floyd County Board of Education. He said the Board and district realize they have made progress but still have work that needs to be done.

Board Vice-Chair Jeff Stumbo added that the local board thanks the Kentucky Board of Education for its assistance and stated that the board and district look forward to continuing state assistance and working together.

Deputy Commissioner Kevin Noland explained that the Board's action would extend state assistance one year through June 30, 2005. At this point Jeff Mando moved to extend state assistance in Floyd County and Hilma Prather seconded the motion. The motion carried.

JESSAMINE EARLY LEARNING VILLAGE

Deputy Commissioner Linda France indicated that at yesterday's session, the Commissioner talked about closing the achievement gap and the importance of early intervention. She continued that the Curriculum Committee also discussed the importance of preschool and looked at preschool funding with the KSB/KSD Committee examining various kinds of approaches to providing services locally, regionally and at the state's schools. France stated that to continue this conversation on early childhood, staff from the Jessamine Early Learning Village were present to talk about their full inclusion early childhood model. Deputy Commissioner France introduced Kelly Sampson, Principal; Eugene Peel, a Jessamine County local board member for over 20 years; Judy Owens, assistive technology specialist; and Gerald Abner, assistive technology specialist. She then turned the presentation over to Ms. Sampson.

Principal Kelly Sampson thanked the Board for the opportunity to present the Jessamine Early Learning Village model. She shared the following facts about the school:

- The school is a preschool and kindergarten facility serving 729 3-, 4-, and 5-year olds.
- The school serves over 220 preschoolers.

- Three-year-olds are eligible if they have special needs. Four-year-olds with special needs are also eligible or can attend if they are eligible for free lunch. Five hundred seven children are enrolled in the kindergarten program.
- Fifty-four percent of students are eligible for free and reduced lunch services.
- Approximately 56% of the children enrolled in the kindergarten program receive some form of assistance from the Title I program.
- Twenty-four percent of the children enrolled at the village are served through the special education program.
- The village is a full-inclusion school where all services are provided in the classroom.
- The goal at the school is for all students to access the total curriculum and to build a team around every child.

Ms. Sampson went on to share some research results in early childhood education supporting the importance of teaching children at young ages and illustrating what a lasting impact a quality early education may have. Relative to the high/scope preschool program study that followed up with participants at age 27, the results found that the preschool participants had completed a higher level of schooling, spent fewer than half as many years in special education programs, outscored the non-participant group on general literacy and school achievement tests and were less likely to commit crimes. The researchers also concluded that for every dollar spent during the program, \$7.00 was saved in the future on remedial services. Sampson shared that she had seen this finding supported first hand over the last few years at the Village. She indicated they have been able to release 5 children from special education that will be going from kindergarten into first grade.

Sampson also shared results of their own study at the Village comparing the learning of kindergarten students in an all-day setting to those in a three-hour program. The results showed a significant difference in the learning of those students in the 7-hour program. She strongly advocated funding of full-day kindergarten statewide.

Commissioner Wilhoit indicated that he had the privilege of visiting the Jessamine Early Learning Village and encouraged all Board members to do so when they have the opportunity. He stated that he saw the future for preschool at this site and a model for how children with disabilities need to be served. Wilhoit noted that the role of staff at the Village is very different to what exists in many places and explained that staff work in the context of the learning environment. He felt the language immersion program was phenomenal and said signing is done throughout. The Commissioner encouraged the Board to find these kind of places and support and nurture them.

Chair Mountjoy added that we need to learn from these sites as we strive to improve instruction across the state for all children.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

Management Committee Chair Jeff Mando indicated that Jackson Independent was added to the 2003-2004 district tax rates levied item for approval. At this point, Gail Henson moved to approve the:

- 2003-2004 district tax rates levied,
- District facility plans: Carlisle, Greenup, and Metcalfe Counties and Augusta and Russell Independents,
- District facility plan amendments: Casey and Clinton Counties (Hilma Prather recused herself from the discussion and vote on Casey and Clinton Counties.)
- Alternative model of school-based decision making from Caldwell County Primary School, Caldwell County School District
- Alternative model of school-based decision making from Fairdale High School Magnet Center, Jefferson County Public Schools

Dorie Combs seconded the motion and the motion carried.

MANAGEMENT COMMITTEE REPORT

Action/Discussion Items

1. **Appeal of Non-Resident Contract Ruling: Breathitt County School District vs. Jackson Independent School District.** Chair Jeff Mando shared that the two parties agreed to return to the table to mediate a potential solution. He noted that the representatives from Jackson Independent felt they had the authority to agree to the mediation and the representatives from Breathitt County agreed to return home and recommend that their board approve mediation. He indicated that the Department of Education had offered a list of mediators from which the two districts could choose and said the districts agreed to pay for the mediation services. Mando noted that if a solution cannot be reached, the issue will come back to the Kentucky Board of Education in June. At this point, Chair Mando moved that the Board approve the advisement of Judge Lewis Paisley in writing of his appointment as mediator for the dispute between these two districts. The Board concurred with the committee's motion.
2. **702 KAR 7:125, Pupil Attendance (Final).** Chair Mando pointed out two specific changes since the last review of this regulation: a) when districts go to the full-time equivalent reporting in 2005, the definition of tardy will be 60 minutes and b) a compromise was reached with the Local Superintendents Advisory Council as to the due date for the Growth Factor Report. Jeff Mando then moved on behalf of the committee to give final approval of 702 KAR 7:125 and the Board agreed. Keith Travis voted no.

3. **Site Approval for the Proposed New Consolidated Harlan County High School.** Mando reminded the Board that whenever the cost of school site acquisition and site preparation exceed 10% of the maximum budget for the project, approval of the Kentucky Board of Education must be secured. He noted that the numbers for the Harlan County High School project appear on page 159 of the Agenda Book. Mr. Mando said that the committee heard from Teresa Coleman, who expressed concerns about the selection of this site and said she asked for a delay in the Board's decision. He also noted a letter from Don Pace on this same item. Mr. Mando summarized that the committee agreed it is not under the Board's authority to reverse the decision to form a consolidated high school. Thus, he moved approval of the site for the proposed new consolidated Harlan County High School.

Keith Travis indicated that the speaker and the letter that came to the Board were well presented. He noted that this is the second month in a row where the Board has talked about this type of exception and commented the committee discussed whether a change was justified in the appraisal process in the future to require two certified appraisers when the purchase price goes beyond 10%. Chair Mando asked staff to look at the possibility of amending the appropriate regulation to require two appraisers and bring it back to the committee for consideration. The question was called and the motion carried to approve the site purchase for the new consolidated Harlan County High School.

4. **702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics (Final).** Mr. Mando pointed out that within the KHSAA regulation there are several documents incorporated by reference where the bulk of the amendments were made. Relative to the constitution, he explained that KHSAA just changed the due date for proposals to amend the constitution. On the bylaws, Mando assured the Board that the committee went through each change and found it to be justified. On the due process procedure, he stated there were no substantive changes. He then recommended on behalf of the committee and moved final approval of 702 KAR 7:065. The Board concurred.
5. **Kentucky High School Athletic Association (KHSAA) Board of Control Appointment.** Chair Mando indicated that the committee recommended and he so moved the re-appointment of Mr. L.V. McGinty to the KHSAA Board of Control to serve an additional term. The Board agreed with the committee's recommendation.

Review Items

1. **Report on Title IX Deficiencies for Schools Audited During the 2003-2004 School Year and Recommendations for 2004-2005.** Mr. Mando noted that the summary for Title IX appeared on page 197 of the Agenda Book and reported there to be a specific problem with Jackson County facility issues, with the school district not being responsive to the issues. He noted that the committee

encouraged KHSAA officials to follow-up on this situation and use all means available to them to see that these issues are resolved.

2. **KDE Coordinated School Health (CSH) Efforts.** Mando reported that staff gave an update on the status of SB179 involving the Healthy Kentucky legislation and said there was some thought that it could be passed next week. He went on to say that the staff note also gave staff's recommendations on what should be done in regard to coordinated school health and Mando emphasized that the committee endorsed the approach.
3. **Update on Deficit and Watch List Districts.** Chair Mando stated that it looks like Covington Independent will be out of the deficit situation a year early and it appears Jackson County will end the year with more than a 2% balance, going off of the watch list. He noted, however, Associate Commissioner Kyna Koch says there are still significant problems in Jackson County and if funding for management assistance is received, continued assistance can occur.

CURRICULUM COMMITTEE REPORT

Action/Discussion Items

1. **Preschool Funding, 2004-2005 Rates.** Chair Dorie Combs emphasized that it was sad the committee had to give approval to this item after hearing about the success at the Jessamine Early Learning Village. She indicated that the committee brings a recommendation to approve the preschool funding rates, based on the Governor's proposed budget, to the full Board for consideration. Combs said it was more and more difficult with the decrease in per child funding for districts to keep up the current schedule for preschool and thought the Board may have to consider more flexibility in the future. She then read the following statement from the committee:

“A large body of evidence-based research documents that quality early childhood experiences do make a difference in the school success that at-risk young children achieve. Studies document that for every dollar invested in quality early childhood programs, society benefits from \$7 to \$15. The evidence reported through the longitudinal research conducted by the University of Kentucky documents that children in the state-funded preschool program make significant progress across all domains (social, motor and cognitive). The Governor's mandate to have all children reading on grade level by the third grade will be severely compromised if the children most at-risk of school failure do not receive the quality, comprehensive preschool programming envisioned in KERA.”

She then said that it was with deepest regret that the committee recommended and she so moved the adoption of the preschool rates for 2004-2005.

Chair Helen Mountjoy commented that none of the Board members is pleased with having to approve this level for the preschool rates and noted that it goes against everything the Board has been advocating over the last eight years. She emphasized this is a situation on which the Board needs to keep its attention and felt it could lead to a more painful conversation as districts discuss how to spend shrinking dollars.

The question was called and it was approved with regret.

2. **2003 Report, 2003 Exceptions, 2005 Plan Required by 702 KAR 1:115, Annual in-service training of district board members.** Chair Combs indicated that her committee praised the Kentucky School Boards Association's commitment to improving instruction in Kentucky through training of local board members and she moved approval of this item. The Board concurred with the motion.

Review Items

1. **Greater Assistance to Teachers: CATS-linked units of study, teacher exemplars, annotated student work and open response items bank.** Combs said that her committee had received reports on this topic over the last few meetings and indicated most of the time was spent on the items bank development. She reported there would be 25,000-30,000 items and that teachers and instructional leaders, higher education and the teacher education community would be involved in this project.
2. **Refocusing Secondary Education.** Chair Combs commented that the pilot programs being implemented at East Jessamine and North Oldham High Schools were discussed. She said that two students from North Oldham visited and shared some of the work they are doing such as the use of houses and senior projects. Combs went on to say that a conversation from East Jessamine High School about successes and problems occurred. She shared that a concern exists about continuing the program due to scheduling issues with higher level courses. She went on to say there was also a report by Linda Pittenger on obstacles that other schools are running into relative to high school reform. Finally, she noted that an issue was raised that a tascit understanding exists between students and teachers that neither will push the other too far relative to workload and grades. Combs commented that a lot of changes in thinking must occur before true changes in high schools can take place.
3. **Annual Report of the Kentucky Educational Collaborative for State Agency Children (KECSAC).** Chair Combs indicated that the Kentucky Educational Collaborative for State Agency Children makes an annual report to the Kentucky Board of Education and noted that it is established by statute and regulation. She indicated an extensive report was included in the Board's Agenda Book; however, she gave those members not on her committee a copy of a PowerPoint presentation that KECSAC staff used yesterday, which was a more condensed

summary of pertinent information. Combs reported that KECSAC is beginning to go through a scholastic audit process with all of their programs across the state. She explained that a school does a self-assessment, an audit team comes in to do an evaluation and then the school gets real data on which improvement can be based. Combs went on to say that the committee talked about the low test scores of kids in these programs and the fact that these programs are not an end placement for most of these students, who are eventually returned to a regular school setting. She highlighted the fact that there is not a very long time in the KECSAC program to impact the learning and lives of these students and factors such as foster care, drug issues and the most severe behavioral problems occur throughout this population. Chair Combs indicated that it sounded to the committee that KECSAC is working hard to improve the professional development for its teachers and the quality of its program.

David Tachau shared that the chart on page 323 of the Agenda Book was really not very useful until one starts disaggregating the data. He felt that KECSAC is retooling what they are doing and said he hopes the Department of Education can assist them. Hilma Prather added the committee asked KECSAC to improve the presentation of their data in the future.

Chair Mountjoy said it concerned her that KECSAC not hide behind the fact that they are working with a very different population of students because these are still Kentucky's children.

KSB/KSD COMMITTEE REPORT

Review Items

1. **Summary of reports and recommendations of the statewide and regional stakeholders regarding services to students who are blind/visually impaired, deaf/hard of hearing and deaf-blind.** Chair Keith Travis indicated Department staff had distilled the 283 pages from the stakeholder reports down to a 90-page summary included as Attachment A to the staff note. He went on to point out that Attachment B was a nine-page series of recommendations that were extracted from the summary document. Travis indicated that at the June meeting, Kentucky Department of Education staff will present a plan to enhance the services for blind/visually impaired and deaf/hard of hearing students across the state. He emphasized that the plan must be over-communicated and input sought from all stakeholders.

On a separate topic, Chair Travis thanked Petie Day for finding dollars for new textbooks at the Kentucky School for the Blind. He then recognized and thanked Alcie Combs and Paul Whalen for their service on the KSB/KSD Committee.

ASSESSMENT AND ACCOUNTABILITY COMMITTEE REPORT

Review Items

1. **703 KAR 5:040, Statewide assessment and accountability program, relating accountability to A1 schools and A2-A6 programs.** Chair Hilma Prather noted that this was the second time the committee had seen a proposal to amend 703 KAR 5:040, but clarified that this meeting constitutes the first formal review since the first viewing consisted of confirming guiding principles and expressing a request that the regulation language be reorganized for clarity. Prather noted that on page 3 of the regulation, a new definition for “final school of placement” had been added and said that two suggestions from the Local Superintendents Advisory Council had been incorporated into the regulation. She went on to say that on pages 4 and 6 of the regulation, language was added to clarify the term “self-placed”.

Board Chair Helen Mountjoy indicated that the regulation will come back to the June meeting for final approval.

2. **Reward Strategies for Schools and Districts Meeting Goals Established by State and Federal Statutes and Regulations.** Ms. Prather stated that there needs to be a balance between positive and negative consequences in an accountability system. She noted that under current statute, monetary awards are given when the dollars are available; however, she went on to say that the reward dollars were eliminated from the budget and thus no dollars exist in the trust fund to pay monetary awards. Therefore, Prather explained the Board needs to look at ways to reward schools in both the state system and for federal purposes other than through monetary means. She pointed out that the Committee looked at the suggestions on page 59 of the Agenda Book and asked staff to add recognition of the schools both in Frankfort and through visits by the Commissioner at the local school level.
3. **Longitudinal assessment and implications for accountability.** Chair Prather stated that James Catterall and John Poggio, members of the National Technical Advisory Panel on Assessment and Accountability, were on the phone during the Committee meeting to advise them. She reminded the Board that initially the Kentucky Department of Education had started a pilot to determine a longitudinal assessment model but noted that with the implementation of *No Child Left Behind Act*, the decision was made to use the new tests that must be added in grades 3 through 8 mathematics and reading for longitudinal purposes. Now, she explained, the Board must examine the purpose for the longitudinal measure and whether it wants to look at individual children over time or cohorts. Prather emphasized that the Committee does not want to change the original purpose of CATS for school accountability and thus, the Committee recommended looking at cohorts of students.

Prather went on to say that the new tests in grades 3 through 8 mathematics and reading will use the same novice, apprentice, proficient and distinguished

designations as CATS and that implementation will occur by 2006. However, she noted that these tests will have a different number of items than the existing CATS levels and thus, performance standards must be set for these new grade levels. Prather stated that this will need to be communicated to all stakeholders. She indicated that the National Technical Advisory Panel on Assessment and Accountability members and Department staff assured the Committee that this process and work can be done.

Chair Prather continued that the next item the Committee considered was the weighting of item types because on the CATS test constructed-response questions receive a two-thirds weighting and multiple-choice receive a one-third weighting. She explained that because of the variance of the item types that will occur in the new tests in grades 3-8, the National Technical Advisory Panel on Assessment and Accountability members and Department staff feel that it may be difficult to maintain the two-thirds/one-third weighting configuration. Prather said that the Board may need to look at changing weights and possibly opening up the related regulation at a later time.

The last point of the Committee's discussion dealt with whether to use longitudinal information to trigger either rewards or assistance and thus roll it into the accountability index calculations. Ms. Prather shared that this is a decision that does not currently have to be made and noted ideas are being considered on this matter.

4. **Shaping Kentucky's Assessment and Accountability Program, School Year 2006-2007 and Beyond.** Hilma Prather commented that CATS has gotten one of the few As from "Quality Counts"; however, she emphasized that we must continue to make improvements to Kentucky's system in order to keep it considered as one of the top systems in the nation. Prather stated that due to the *No Child Left Behind Act* and the upcoming Request for Proposals, the opportunity exists to make improvements. She explained that the Committee examined the staff note on page 70A of the Agenda Book and recommends that it be approved as a concept paper that would authorize the Kentucky Department of Education staff to proceed with the work that is outlined. Ms. Prather said that the concepts in the staff note fall into two categories: technical improvements and a set of wrap around services. She noted that it may or may not be possible to carry out all the proposals but said the goal is to remain true to a valid and reliable measure of school progress with a secondary goal being to impact instruction. At this point, she moved approval of the staff note as a concept paper in order that staff can begin work on these ideas and bring back plans on implementation of those ideas that prove to be reasonable. The Board concurred with the motion.

REPORT FROM THE JOINT MEETING OF THE ASSESSMENT AND ACCOUNTABILITY AND CURRICULUM COMMITTEES

Review Items

1. **Improving CATS for Optimum Results: Writing assessment modifications.**

Hilma Prather chaired the joint meeting and indicated that the participants focused on areas for improvement. She stated that after much discussion, it was decided to bring forward ten areas of the writing assessment process to be examined and to establish a committee that will bring recommendations to the Board for possible changes to the writing portfolio. The areas of the writing process to be examined were identified as follows:

- Weights of the components
- Quality of training and the audiences that is reached by that training
- Performance standards
- Unified scoring procedure
- Using Kentucky teachers in the auditing process
- Exploring alternative sets of content at various grade levels
- Spreading entries across grade levels or changing the grade levels
- Improving the code of ethics
- Finding ways to decrease emphasis on the score and increase emphasis on improving the writing process
- Appropriate use of technology in writing

At this point Hilma Prather moved to have staff proceed with the examination of the ten factors listed above to improve the writing portfolio along with forming a committee of stakeholders that would participate in the examination of the improvements. The Board concurred with the motion.

INTERNAL BOARD BUSINESS

The following items were dealt with under the Internal Board Business section of the meeting:

- It will need to be determined if there are dollars to continue the minority superintendent intern program and if so, what superintendents will serve as mentors. A sensitivity to possible embarrassment of the current minority superintendent interns when asking for updates on their employment situation needs to exist when giving updates to the Board.

- It is time to pay the NASBE dues and dollars are available to do so. Dorie Combs moved approval for the NASBE dues to be paid and Keith Travis seconded the motion. The motion carried.
- Chair Mountjoy pointed out that Board members have been bombarded as of late with emails. She noted that she has found some board members have given conflicting information as replies to these emails. Mountjoy reported that Mary Ann Miller checked with other states on their policies on responding to emails and said all indicated acknowledgement of the response with a formal reply coming from the Department of Education staff. She proposed that Mary Ann Miller draft a policy on response to emails that could be added to the Board's policy manual. The Board agreed with this suggestion.
- The Executive Ethics Commission forms are due April 15.
- Chair Mountjoy emphasized that everyone was going to miss the four outgoing members and said they are invited back to visit at any time. Mountjoy stated that it has been an honor and privilege to serve with each of them.

ADJOURNMENT

The Kentucky Board of Education meeting adjourned at 2:40 p.m.